

Contesting Evidence through a Comparative Research Program OR Understanding and Implementing Criminal Justice Reform in an Era of Dumb on Crime

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Abstract

This paper examines the development of evidence-based policies and the complexity associated with its definition. Using correctional education programs on the one hand, and the D.A.R.E program on the other, we demonstrate why evidence based on numeric analysis is inherently limited and limiting. By juxtaposing efforts to reform the justice system in the US, and the recent policies of the Federal government in Canada, we propose a research program to capture not only numeric indices of success and failure, but the costs and consequences for those caught up in an era of dumb in crime.

Introduction

For many Canadian criminologists, the next decade will be deeply depressing. As the influence of evidence to guide policy wanes, the nonsensical “get tough” on crime approach will result in a huge financial and social costs. Canada will now implement a series of measures designed to increase the length of sentences and expand prisons at a time when the crime rate is at an all time low. If the US example is any indication prison expansion will require a significant reduction in funding for community corrections and undermine efforts to address underlying and systemic challenges for those in conflict with the law. It might also be seen as an opportunity. By carefully compiling the consequences of adopting crime policies that have been shown to undermine rehabilitation and reintegration, Canadian criminologists can prepare for a political era in which evidence and not ideology guides efforts to reduce crime. There remain key questions about how one should understand ‘evidence’ and developments and debates in the US may be instructive.

It is ironic that policies recently adopted by Canada in Bill C10 are the same as those identified as contributing to the current challenges of the American justice system. For example the US Sentencing Commission (2011) have found that mandatory minimum sentences apply too

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broadly, are excessively severe, and are applied inconsistently. Combined with mounting evidence that mandatory minimums contribute to the racial inequality within the system (Western, 2006), are ineffective overall (MacKenzie, 2006), and result in inefficiencies that add to the growing expense of the system (Wheeldon & Heidt, 2010). While the next decade will require Canadians to confront the consequences of C10, in the US there are significant reform efforts underway. The broadest is Senator Jim Webb's effort to establish a Commission to engage in a top to bottom review of the existing justice system. Despite some set backs, Webb has committed to working toward the establishment of this Commission before leaving the Senate in 2012. The Legislation would empower the Commission to investigate and issue recommendations for policy reforms to better protect society, reduce costs, and reduce recidivism while improving treatment and correctional outcomes.

One approach will be to base future reforms on evidence-based policies (EBPs) that borrow from approaches pioneered in medicine. In the last decade, 'evidence' has been accrued that is based on a number of traditional and positivistic assumptions about what counts as credible knowledge (Sherman, Gottfredson, MacKenzie, Eck, Reuter & Bushway, 1997). By using local projects to improve performance and lower costs through a range of initiatives, the Obama administration has signaled its support for experiment-based public policy that employ complex research designs and statistical tools to discover "what works".

Another approach might be based on a deeper understanding of past challenges to the incorporation of evidence within policy making. This approach would consider the theoretical, historical, and practical elements that ought to inform this understanding. Some have suggested that existing models for the production of evidence are lacking a comprehensive understanding of the value of trialability in criminal justice policy making (Berman & Fox, 2010). As a possible solution to this lack of substance, Pawson (2002a,b) has proposed a "realist synthesis" or an approach that incorporates and expands upon results offered by meta-analyses and narrative reviews. To accomplish a "realist synthesis", one must attempt to specify and explain why interventions are successful in some cases and not others.³

This paper suggests that while pursuing a renewed focus on evidence to guide policy is an important development, existing models often fail to integrate more participatory bottom-up approaches to research. It is organized to build on our past efforts to untangle developments in the field of sociology, psychology, and criminology and offer practical solutions (Wheeldon & Heidt, 2007). To do this, we explore two examples of justice related interventions, namely correctional post-secondary education and Project D.A.R.E. (Drug Abuse Resistance Education). We argue Canadian criminologists should consider how a more comprehensive framework can uncover associative tensions inherent in integrating theory and practice and propose a research program to assess subsequent justice reforms.

In this paper we focus on how to investigate proposals developed by the Commission, and the ways implemented reforms might be tracked between and among states in the US. However, this approach can also be used to investigate new Canadian policies that many suspect will result in worse and more costly outcomes. We argue that by combining rigorous quantitative and numeric analysis with on the ground qualitative and narrative explorations, definitions of 'evidence' can be expanded in ways that root meaningful justice policies in more nuanced mixed methods designs. If evidence-based policies cannot overcome political ideology other research models should be considered to better root, describe, and present research findings.

³ For a useful example relating to criminal justice practice, see Pawson's (2002b: 352) analysis of a transitional aid project in corrections.

A System in Crisis

There is little doubt that the US criminal justice system is in crisis. Today, a broad recognition exists that past models based on punishment, ideology, and unproven assumptions have failed to achieve promised results. The US system is unequal when it comes to race and ethnicity (Western, 2006), ineffective given the high rates of recidivism (Langan & Levin, 2002); and inefficient given the rising costs required to maintain the existing system (Pew, 2009). With 5% of the world's population, the US houses 25% of the world's reported prisoners, and while the rise in incarceration rates has been a function of a number of related factors, it is most often associated with popular punitiveness and simplistic mantras about "getting tough on crime" (Garland, 2001). The rise of the new penology in criminal justice systems in North America (Feeley & Simon, 1992) has resulted in a 1200% increase of incarcerated drug offenders since 1980, as non-violent drug arrests have more than tripled (Mauer & King, 2007).

Today 1 in 100 Americans are in prison (Pew, 2008) and prisons have become a warehouse for many as the focus on punishment has undermined treatment options. While many agree that the use of criminal sanctions is an ineffective solution to social problems, today three times as many mentally ill people are in prisons than in mental health hospitals (Paternelly-Taylor, 2008). Even for inmates who might be able to make the most of their time inside, prison programming varies drastically by state, and proven programs are ignored when they are politically inconvenient (Pawson, 2002a). Once former inmates return to their communities, post-incarceration re-entry programs are haphazard and often non-existent. It should surprise no one that recidivism rates remain at over 60% nationally (Langan & Levin, 2002). Indeed, there is ample evidence that the prison itself is criminogenic, and that the current philosophy of the criminal justice system is based on an outdated form of psychological theory (Haney, 2002; Zimbardo, 2007).

The current approach to criminal justice has come under fire from Americans of a variety of political backgrounds. As expenditures have grown 538% since 1982 (MacLellan, 2005), near bankrupt states must spend more than \$50 billion annually to maintain ineffective systems at an average cost of \$29,000 inmate/year (Pew, 2008). In response to the high cost and poor outcomes of the current system, Senator Jim Webb sought to establish a National Criminal Justice Commission, introducing an Act in the Senate in 2009 and again in January 2011. The Act would create a blue-ribbon commission charged with undertaking a 18-month top-to-bottom review of the entire US criminal justice system. It represents the most significant attempt to review, reflect upon, and perhaps even reform the existing justice system.

In the fall of 2011, this legislation was filibustered by Republican Senators. Webb has vowed to keep fighting and highlighted numerous supporters on the right and left, from criminologists and prison reforms to law enforcement and even conservative thinktanks. This paper assumes the costs, inequalities, and utter failure of the existing system will result in the formation of the Webb Commission, even if Webb leaves the Senate before it is established. Of immediate interest is to what extent the Commission considers existing studies, nascent approaches to reform, and what definition of 'evidence' is employed to guide the Commission's work. We argue in the months and years ahead criminologists and criminal justice professionals who are serious about embracing 'evidence-based' justice reform need to think clearly and carefully, not only about what works, but how and why.

The Role of Theory, Evidence, and Policy

At one time, criminologists and their theories enjoyed considerable influence over social policy (Cloward & Ohlin, 1960). However, today, despite ample evidence that challenges existing criminal justice policies, criminologists are often seen as irrelevant by policy makers, engaged in post-modernist navel gazing and failing to communicate reform in ways that can effectively reach those on the front line of justice system (Wheeldon & Heidt, 2007). Indeed, more often justice policy is dictated by politics and public sentiment than by any actual evidence of intervention effectiveness and/or a solid theoretical justification. For example, while successful programs like post-secondary correctional education (Chappell, 2004; Wilson et al. 2000) are rarely used, programs known to be ineffective, like Project D.A.R.E. remain quite popular (Berman & Fox, 2010). One possible reason for this is that the mechanisms or processes by which interventions are selected and administered are poorly understood (Kendall, 2004) and too often based on comfortable conventional wisdom, not on complex empirical realities (Wheeldon, 2010a).

One approach the Obama Administration has promoted since 2009 is the use of rigorous data analysis to discover what works, expand the approaches that work best, fine-tune the ones that get mixed results, and shut down those that are failing (Orzsag, 2009). Evidence-based approaches to policy are built on the idea that issues of public concern should be informed by peer-reviewed data gathered by independent researchers. The roots of this approach come from medicine, with its use of randomized controlled trials to identify effective treatments for disease. By challenging accepted practice and replacing assumptions with rigorous study, evidence-based medicine has led to improved health outcomes and reduced costs. In the field of criminal justice, these approaches likewise appear to offer a means to reform justice policies in ways that save money and improve outcomes. Criminologists and other researchers have responded to this call by providing some important insights about how one might evaluate the effectiveness of a variety of criminal justice system practices (Wheeldon, 2011).

The use of quantitative methods to assess the effectiveness of programs within the criminal justice system include simulations, scientific methods scoring systems, and meta-analyses of groups of studies (MacKenzie, 2006). Simulation-based research uses a variety of complex statistical techniques to predict future events by simulating future conditions based on past data. Another quantitative focused methodology used to evaluate program effectiveness was developed by a group of researchers at the University of Maryland. These researchers were commissioned by the United States Congress to compile a report about “what works” in criminal justice (Sherman, Gottfredson, MacKenzie, Eck, Reuter & Bushway, 1997). This report examined not only the statistical significance and direction of a number of studies, but also their level of scientific rigor (MacKenzie, 2006). In order to do this, the researchers attempted to locate as many studies as possible about specific interventions and programs less than ten years old. A coding system was used to judge various aspects of each study and each aspect was then assigned a score from one to five based on the level of methodological rigor in the study with those of level 3 and above considered to be of good quality.

Based on the level of methodological rigor derived from the coding scheme and the strength and direction of the results, interventions can be placed into one of four categories. If an intervention had at least two level three studies with positive results and a preponderance of the evidence from the other studies was positive, the intervention was thought to be effective and was categorized as something that “works”. If at least two level three studies were negative and other less rigorous studies show negative results, the intervention was labeled as “not working”. Interventions were viewed as “promising” if most studies show positive results, but only one had a level three rating. Interventions lacking quality research were categorized as “unknown” (MacKenzie, 2006; Sherman et al., 1997).

This approach has become the basis for a number of other meta-analyses that have been undertaken. This approach allows researchers to estimate the aggregate effect of an intervention through a comparison of numerous individual studies and synthesizes and summarizes many different research findings in a consistent and coherent way (MacKenzie, 2006). One such group is the Campbell Collaboration (CC) whose use of meta-analysis relies upon the use of systematic, quantitative reviews of existing studies to provide empirical evidence about 'what works.'⁴ While this approach has become increasingly popular as a means to guide evidence-based policy making (EBP), the sole focus on outcomes often comes at the expense of other important intervention aspects such as the mechanisms at work in the program, and the context in which the program is delivered (Pawson, 2002a).

Contesting Evidence and Charting New Terrain

There are theoretical, historical, and practical limitations to a solely numeric approach to evidence-based justice reform. Theoretically, whatever the relative strengths of the above approaches, they all rely upon underlying assumptions about what kind of data is important. One concern of immediate interest is the suggestion that somehow quantitative meta-analysis is an atheoretical analytic approach. While attempting to sidestep past methodological battles that often masked political differences (Jick, 1979) is perhaps understandable, the notion that any approach is inherently unbiased contravenes the more generally acknowledged principle that all research is inherently limited (Wheeldon, 2010b). Paul Knepper (2005) offers an important contribution for those interested in understanding how different assumptions inform the discovery of 'evidence.'

By focusing on two models of transferring criminological knowledge into the policy-making context, Knepper considers the evidence-based model, advocated by CC, and the reflexive model, envisioned by the Open Society Institute (OSI). On one view, the most common approach to evidence-based practices as presented by CC focuses on outcomes over processes, and assumes that positivistic ideas about the nature of knowledge and reality should be favored over more qualitative, interpretive, and participatory approaches. By contrast, Knepper (2005) presents the OSI's reflexive model based on Karl Popper's emphasis on place, and social situation. He argues that the reflexive model provides a better means to engage research participants by emphasizing participation, social interaction, and the understanding that social tinkering and local innovation can best promote sustainable reform. According to this view, research processes must consider how to better involve those who institute, and who are impacted by reform initiatives. Instead of seeing reforms as something that are instituted, they can be used as a way to identify and develop local champions who are willing to try new things and learn from past mistakes (Wheeldon, 2010).

Through iterative and participatory processes that include social engagement, reforms are a means to an end, not the end themselves (Wheeldon, 2009). To give practical effect to the OSI reflexive model, it may be time to reconsider what aspects of a program or intervention researchers should focus on, and how that data should be collected. Understanding the importance of context, process, and personalities may require a more robust definition of evidence that can ground theory in practice. On this view, localized experiments can be used to model different approaches and outcome driven measures can be supplanted with more nuanced qualitative data gathering through more integrated research designs (Wheeldon & Ahlberg, 2012). By working toward a more integrative model of assessing justice reform, it may be possible to better clarify mechanisms at work in the criminal justice system to uncover hidden pressures and practices. In

⁴ A useful starting place is the Campbell Collaboration Library available at: <http://www.campbellcollaboration.org/library.php>

this way outcomes can be measured, and processes better understood. This approach, of course, has historic pedigree.

Historically, the failure of the criminal justice system to learn from its past is difficult to doubt (Walker, 1997). A history of punitive justice policies can be linked to the Puritan approach to moral legislation, the rise of the modern penitentiary, and the continuing desire to use prohibition of certain substances as a proxy for the social control of various 'undesirable' behaviors and/or ethnicities. On the other hand, the Quaker movement in the middle colonies and the rising diversity of cities led to a more tolerant approach to justice that relied upon less physically abusive punishments and greater community involvement. Some have shown how these approaches have re-emerged through 'restorative' approaches to justice and the need to adjust our view of the goals and possible outcomes of justice, punishment, and communities (Zehr, 1990).

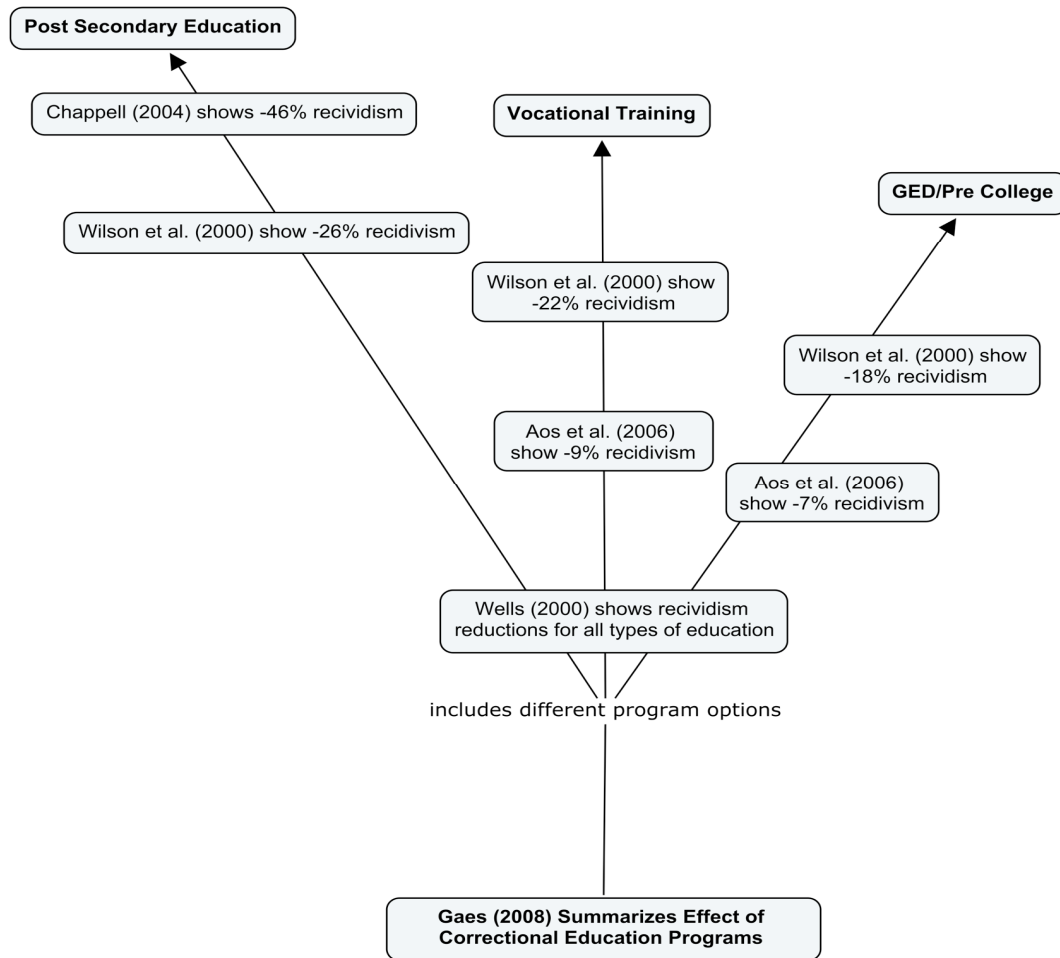
Another theme, which remains a significant concern, is connected to race (Western, 2006). From the uneven economic benefits and social stratification of slavery during the time of the Tidewater aristocracy to the continuing challenges of civil rights, the criminalization of various social programs and the vast over-representation of minorities in prisons, suggests that race and the criminal justice system are inextricably linked. Between 1920 and 1940 various commission, reports, and studies highlighted the problems with race and justice (Walker, 1997). Today, while the situation has been improved in some ways, race continues to play a significant role when it comes to arrests for marijuana possessions (Harcourt & Ludwig, 2007), and the use of the death penalty (Garland, 2010).

The problem may be that while there was a formal identification of the impact of race in criminal justice, affecting real change on the ground and at the operational level has been far more difficult (Walker, 2010). Historically, merely identifying better and worse practices has not been enough. The confidence placed in statistical analysis may be misplaced if the complexity of the mathematical models upon which they rely make the findings incomprehensible to citizens and policy makers alike (Young, 2011). Too often, existing approaches that present 'evidence' fail to consider how on-the-ground practice can undermine well-intentioned policy development. The realities of criminal justice may require a fundamental rethinking of what we mean by evidence and how it is presented. It is time to move beyond statistical gamesmanship and regression models that have little to do with the implementation of justice policies in different communities and countries. Far more attention must be paid not to the mere existence of formal policies on the books, but the informal ways in which they are practiced on the ground.

A Tale of Two Programs

In practical terms, we would also do well to consider why it is programs that have been shown to reduce costs and future criminality are not used (Gaes, 2008) while programs known to be ineffective, like Project D.A.R.E., remain quite popular (Berman & Fox, 2010). Education remains an important correctional goal based on the universal understanding that incarcerated populations are less literate, have fewer job related skills, and have struggled in the past to acquire social, relational, and cognitive life skills (Steurer, Smith & Tracy, 2001). While the general focus on literacy and vocational training has predominated within correctional systems, since the 1960s there have been efforts to support post secondary correctional education (Rothman & Morris, 1998). Today, there is clear evidence that correctional education is cost effective, reduces recidivism, and promotes employment (Chappell, 2004; Wells, 2000; Wilson et al. 2001). Based on a meta-analysis of more than 200 studies, post secondary education appears to be the best of all education programs studied to reduce future crime (Gaes, 2008). Figure 1 provides a visual map of these studies and the impact of various education programs.

Figure 1 – Comparing the Effectiveness of Prison Education Programs (Wheeldon & Ahlberg, 2012: 184)



While a number of studies exist that suggest that providing post-secondary education in correctional settings has emerged as one of the best ways to reduce recidivism, save taxpayer dollars, and promote post release employment and community reintegration, persistent challenges remain. These are connected to research design, data collection, and the communication of deliverables - all of which limit the expansion of post secondary correctional education (Wheeldon, 2011). One issue is significant import is selection bias. One approach has been to apply a discount rate to over-estimate design flaws and in their analysis, Bazos & Hausman, (2004) apply a 50% discount to all reported drops in recidivism rates as a result of correctional education programming.

This approach is not without problems. For example, while some of the studies compiled by Gaes (2008) used more sophisticated designs than others, applying this discount uniformly may result in an overly conservative estimate of program effectiveness. However, it may be wise to be cautious when estimating reductions in recidivism. While other models exist to explore the value of voluntary, applying this discount rate to existing meta-analyses suggests past correctional post secondary correctional education programming resulted in an average reduction in recidivism of 18%. This figure appears to have been recently validated in Washington State in a pilot cohort evaluation of the impact of the Associate of Arts (AA) degree program on employment and recidivism, conducted by the Department of Corrections (Evans, 2011).

Despite the apparent success of these programs, political and practical impediments exist that hinder its widespread adoption (Aos et al. 2006; Erisman & Contardo, 2005; Winterfield et al. 2009). These obstacles include the punitive orientation within our existing justice system and a belief that a college education should not be a reward for committing crime. Objections may also be based on the limited sorts of data collected in past prison research. For example, the recognition that different stakeholders have very different interests has not been taken into account in prior data collection. Taking differing interest seriously could require that research considering the value of this type of programming to those who work within the institutions. Institutional data may include comparing the number of infractions for student pre/post their enrollment in PSE programming, perceptions of correctional staff about changes in demeanor and disposition, any reduction in non-emergent medical requests, changes in unit disruption or cohesion, and frequency of counselor visits, complaints, and other requests.

Indeed there may be a whole host of other institutional effects with associated human resource costs that may be reduced once offenders are enrolled in educational programming. But cost savings is only one aspect to consider. Wheeldon (2011) reports WA Department of Corrections Superintendent Jeffrey Utecht (2010), as noting that

...it is a good security practice to have inmates engaged in work, education and treatment programs rather than the potential for unrest and increased violence that is clearly associated with inmate idleness. Education programs for inmates are good for public safety - both inside prisons and upon release.

Future research on post secondary correctional education must address the above challenges and specifically focus on how the benefits of post secondary education in correctional settings can be communicated to focus on cost savings, crime prevention and community safety.

By contrast, Project D.A.R.E. represents a counter example of a program that while empirically assessed as ineffective, remains popular throughout the country and the world (Berman & Fox, 2010). D.A.R.E. is a police officer-led series of classroom lessons that teaches children from kindergarten through 12th grade how to resist peer pressure and live productive drug and violence-free lives. D.A.R.E. was founded in 1983 in Los Angeles and has proven so popular that it is now being implemented in more than 43 countries around the world. Yet this popularity is not based on empirically significant results. As far back as 1994 studies suggested that the program has no long-term effect on drug use among the youth who participated in the program (Ennett et al. 1994). This finding was confirmed in 1999 (Lyman et al. 1999).

To date, there have been more than 30 evaluations of the program that have documented negligible long-term impacts on teen drug use, and one six-year study that even suggested the program slightly increased drug use among suburban teens (Rosenbaum & Hansen, 1998). Yet, despite these findings D.A.R.E. is alive and well. Today it is taught in about 75 percent of school districts across the country and involves more than 15, 000 police officers as D.A.R.E instructors who provide educational sessions about drugs and drug abuse largely targeted at 5th and 6th graders (Berman & Fox, 2010). The factors underlying the D.A.R.E. story are similar in some

ways to the situation faced by those that argue for more correctional education to reduce costs and reduce crime. While the analysis based on quantitative research tells one story, the data gleaned on the ground suggests a different one. In the D.A.R.E. case, whatever the dubious long-term effectiveness based on a numeric assessment of program data, many of the local communities that have chosen to retain D.A.R.E. had good reasons for doing so.

Instead of simply asking whether a program works or not, to capture the reality of the situation and the motivations of different communities, one needs to ask the right questions and consider practical benefits beyond the strict “what works” approach (Wheeldon & Heidt, 2010). For example, once the disconnect between evaluation and practice was noted, some researchers sent graduate students to school districts to talk with teachers, administrators, police officers and others about their experience with D.A.R.E. (Weiss, Murphy-Graham & Birkeland, 2005). This qualitative data provided a more nuanced understanding of why communities who knew the program had not been empirically shown to be effective still supported it. The result was a variety of secondary effects the program resulted in such as fostering more positive relations between police and educators and police and students and helping youth better understand their communities.

Based on this data, it appeared educators and elected officials valued the ancillary benefits of D.A.R.E. which while hard-to-measure quantitatively, provide real and important benefits and are the most likely explanation for why D.A.R.E. remains in place (Berman & Fox, 2010). Whatever the presumed local benefits, it cannot be doubted that some programs may survive because they feed a broader socio-political agenda. When programs sound like they should work, like juvenile boot camp or other scared techniques, there may be no amount of contrary evidence that can shake the assumptive ideologies that too often overcome evidence.

Toward a Comparative Research Program

This paper has argued that the rising cost and general failure of past practice is forcing a re-examination of our CJS. Indeed, the rise in interest regarding evidence-based policies in criminal justice provides an important opportunity to examine how justice policies are picked up, implemented, revised or rejected (Wheeldon & Heidt, 2010). One question of immediate interest is whether combining empirical evidence of success with compelling and testable theories provides a comprehensive basis for reform. Yet, this question presupposes that there is a general and useful definition of what ‘evidence’ constitutes.

The above examples suggest some inherent problems with trying to identify and integrate “what works” within criminal justice policy making. While the quantitative research designs clearly show the value of post-secondary correctional education to reduce recidivism and prison costs (Gaes, 2008), it is rarely used. By contrast, although quantitative research designs show how ineffective Project D.A.R.E. is at meeting its stated aims, it remains popular and relied upon throughout the country (Berman & Fox, 2010.) In both cases, qualitative data could provide important nuance about how these programs succeed or fail and, importantly, why they do so. By combining this narrative on the ground data with numeric analytic data through a renewed research program, a more robust definition and understanding of evidence can emerge.

To guide this program, two existent approaches may be relevant. The first is based on Pawson’s *realist synthesis* approach (2002b) in which the focus on programs is combined with a better understanding of the “underlying reasons or resources” that allow change to occur (2002: 342). This approach offers a novel reply to those in the policy community seeking workable reforms. It is different in that innovators are not

...offered a 'best buy' (approach 'x' or case 'y' seems to be the most successful), [but instead] a tailored, 'transferable theory' (this programme theory works in these respects, for these subjects, in these kinds of situations).

To build on what Pawson calls *programme theories*, mixed methods studies can be used to offer a more complete picture of program efficacy. Mixed approaches can combine statistical quantitative measures with in-depth interviews and employ qualitative analytical approaches to uncover narrative reflections from the students and others involved in or impacted by the relevant programs an/or polices (Hall & Killackey, 2008). When qualitative data is collected in credible ways and transparently analyzed, narrative findings can help frame the project in more nuanced terms. In the above examples, this might involve assessing student perceptions of programs, instructor/facilitator views on program delivery, and observations by correctional/educational staff about the value of the program on behavior or demeanor of those targeted.

Research that simply compares intervention outcomes cannot tell policymakers, professionals, or citizens about the underlying logic of the criminal justice system and the personalities that so often are more important to successful interventions than simplistic programs, manuals, and top-down reform models. By exploring parallels between theory and practice, a new generation of researchers can clarify mechanisms and processes at work in criminal justice system practices, programs, and interventions. This may require a renewed effort to reconsider historical lessons of the past, root a new research program within a more nuanced understanding of theory, and a reconsideration of how to best define 'evidence'. We propose a new research model that can build on the important contributions of Pawson (2002a; 2002b) and better capture and contribute to an understanding about the associative tensions inherent in integrating theory, policy, and practice. By taking seriously how programs shown to be quantitatively effective can be evaluated using qualitative analysis, any future Commission will be better placed to make reform recommendations that are more likely to make a positive impact both on those who work within the system, and those caught up in it. For Pawson

A circumspect blend of the old and the new (demonstration projects and systematic review) should be de rigueur as the basis for all policy and programme development. It has to be acknowledged, however, that the issue of finding the precise criterion for making meta-evaluative judgements has yet to be solved. This pair of articles has cautioned against the two poles of the ruthless arithmetic extraction of 'net success' and the intuitive extraction of 'exemplars' as guides to best practice and hopefully provided some pointers to a potentially more profitable 'third way' (2002b: 356).

This mixed approach to rethinking 'evidence' need not only apply to efforts to uncover what works and why. It may also provide a means to understand how and why various policies do not work and the consequences for those caught up in the mess thaty results. For example, will actors in the Canadian justice system use their vast discretion to find ways around unpopular provisions of Bill C10? How will increasing the number of incarcerated in Canada impact program staff, correctional officers, and those who work to assist the formerly incarcerated to reintegrated into Canadian society? New research programs must consider not only what works or doesn't, but find ways to capture the consequences of these policies on those who work within the justice system. In the midst of the emergent era of dumb on crime, Canadian criminologists have an opportunity to engage in analysis that can help society understand the consequences of ideology over-riding expertise and evidence.

Conclusion

It is perhaps overly optimistic that even given the widespread failure of the existing justice system, reform is possible. While recent political allegiances that eschew the traditional left/right divide appear promising, the real work of identifying problems, cataloging consequences, and recommending solutions is slow, laborious, and complicated given that while reforms can save the existing system money, it will first require pilot project funds, research and evaluation, and local buy in. Whatever the challenges, we assume the inequity, inefficiency, and ineffectiveness of the existing system will result in the sort of review Senator Webb has proposed. However, such a committee is the beginning not the end. To reduce costs and improve outcomes, we have proposed a research program that can provide a basis for a more detailed definition of 'evidence.' We have proposed a renewed effort based on an examination of the ways in which proposed reforms are adopted, adapted, or rejected between and among states. This will require student, professors, researchers, and practitioners to find new ways to work together. We propose three questions:

1. Which criminological theories have influenced and contributed to policy and practice?
2. What policies and practices have succeeded in being taken up, which have failed, and why?
3. How can the definition of 'evidence' be expanded to:
 - Reflect theoretical developments in criminology
 - Integrate the operationalization of EBPs in different contexts

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